



General Assembly

February Session, 2000

***Amendment***

LCO No. 4513

Offered by:

REP. TULISANO, 29<sup>th</sup> Dist.

To: Subst. House Bill No. 5902

File No. 466

Cal. No. 374

***"An Act Concerning Investigative Subpoenas."***

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- 1 In line 13, strike "including the investigation of"
  - 2 Strike lines 14 and 15 in their entirety
  - 3 In line 16, strike "the law,"
  - 4 In line 28, strike "or a defense or affirmative defense has been
  - 5 raised"
  - 6 In line 29, strike "with respect to the commission of a class A or B
  - 7 felony"
  - 8 In line 34, strike "or the validity of a defense" and insert in lieu
  - 9 thereof "and that such information is timely and not stale"
  - 10 Strike line 35 in its entirety
  - 11 In line 36, strike "A or B felony"
  - 12 In line 41, strike "made reasonable" and insert in lieu thereof

13 "exhausted all"

14 In line 46, after the period insert "A subpoena issued by a judge  
15 under this section shall expire thirty days after issuance unless  
16 extended for good cause shown."

17 In line 65, after "present" insert "at such person's appearance" and  
18 after "counsel" insert "while such person is giving testimony or  
19 producing property"

20 In line 86, strike "The failure to give such"

21 In line 87, strike "notice shall not invalidate the subpoena." and  
22 strike "presiding"

23 In line 88, strike the period and insert in lieu thereof "at which the  
24 questioning occurs and testimony is taken. The judge shall be present  
25 at all times while the witness is giving testimony or producing  
26 property."

27 In line 96, after "present" insert "at such person's appearance" and  
28 after "such counsel" insert "while such person is giving testimony or  
29 producing property"

30 In line 98, strike "presiding"

31 Strike line 134 in its entirety and insert the following in lieu thereof:  
32 "(c) Unless the plaintiff requests otherwise, the motion, upon its filing,  
33 shall be sealed as to the public. The scheduled appearance of a witness  
34 summoned pursuant to the subpoena shall be stayed upon the filing of  
35 the motion and until the judge hears and decides the motion. The"

36 In line 147, after "investigation" insert "or that such information is  
37 stale"

38 In line 148, after "statutory" strike "or" and insert a comma in lieu  
39 thereof

40 In line 149, after "constitutional" insert "or common law"

41        In line 161, strike "(1) for or on account of any testimony given or"

42        Strike lines 162 and 163 in their entirety

43        In line 164, strike "given or evidence produced by such person, or  
44        (2)"

45        In line 181, strike "except such as should, in the opinion of such" and  
46        insert in lieu thereof "except that the witness shall have access to such  
47        information and property in order to prepare an adequate defense to  
48        any criminal charges arising from giving testimony or producing  
49        property pursuant to such subpoena."

50        Strike lines 182 and 183 in their entirety